

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:04-cv-00458-W**

**SUSAN ELLEN CALHOUN,**

**Plaintiff,**

**vs.**

**ELMCROFT ASSISTED LIVING,  
LLC, ELMCROFT GP, INC., and  
ELMCROFT OF CHARLOTTE  
LIMITED PARTNERSHIP,**

**Defendants.**

**ORDER**

THIS MATTER is before the Court, *sua sponte*, regarding the status of the case. Pursuant to the oral ruling entered in open court on September 26, 2006, upon agreement of counsel, the Court DISMISSED all of Plaintiff's claims against Elmcroft Assisted Living, LLC, and Elmcroft GP, Inc. The Court has been advised that the remaining parties have settled all matters in controversy among them. Therefore this matter is DISMISSED subject to the right of any party to file a motion to reopen the case should settlement not be consummated within thirty (30) days hereof. The parties are directed to file their Stipulation of Dismissal on or before November 20, 2006.

IT IS SO ORDERED.

Signed: October 19, 2006



Frank D. Whitney  
United States District Judge

